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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THEMIS CAPITAL and	:	
DES MOINES INVESTMENTS LTD.,	:	No. 09 Civ. 1652 (GBD)
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DEMOCRATIC REPUBLIC OF CONGO	:	
and CENTRAL BANK OF THE	:	
DEMOCRATIC REPUBLIC OF THE	:	
CONGO,	:	
	:	
Defendants.	:	
-----		X

DECLARATION OF ERIC C. KIRSCH

I, Eric C. Kirsch, declare pursuant to 28 U.S.C. section 1746 as follows:

1. I am an attorney duly admitted to practice before this Court. My firm, Dechert LLP, is counsel to plaintiffs Themis Capital ("Themis") and Des Moines Investments, Ltd. ("Des Moines," and together, "Plaintiffs").

2. I respectfully submit this declaration to place before the Court certain facts and documents in further support of Plaintiffs' motion for summary judgment or, in the alternative, default judgment.

3. Attached hereto as Exhibit A is a true and correct copy of the Refinancing Credit Agreement dated as of March 31, 1980, among the Republic of Zaire, the Bank of Zaire, certain bank creditors of the Republic of Zaire, certain agents, and the Bank of Tokyo Trust Company.

4. Attached hereto as Exhibit B is a true and correct copy of a Deed of Assignment, dated August 5, 2008, between Red Barn Capital, LLC and Themis Capital.

5. Attached hereto as Exhibit C is a true and correct copy of a Notice of Assignment, dated August 5, 2008, directed to the Democratic Republic of Congo, the Central Bank of the Democratic Republic of Congo, and Union Bank of California, as Servicing Bank.

6. Attached hereto as Exhibit D is a true and correct copy of a Deed of Assignment, dated February 2, 2009, between Main Street Capital, LLC and Des Moines Investments, Ltd.

7. Attached hereto as Exhibit E is a true and correct copy of a Notice of Assignment, dated February 2, 2009, directed to the Democratic Republic of Congo, the Central Bank of the Democratic Republic of Congo, Union Bank of California, as Servicing Bank, and Deutsche Bank, as Agent Bank for the A-1 and A-2 Syndicates.

8. Attached hereto as Exhibit F is a true and correct copy of a Notice of Assignment, dated February 2, 2009, directed to the Democratic Republic of Congo, the Central Bank of the Democratic Republic of Congo, Union Bank of California, as Servicing Bank, and Red Barn Capital, LLC, as Agent Bank for the A-14A, A-14B, and A-21 Syndicates.

9. Attached hereto as Exhibit G is a true and correct copy of a Notice of Assignment, dated February 2, 2009, directed to the Democratic Republic of Congo, the Central

Bank of the Democratic Republic of Congo, Union Bank of California, as Servicing Bank, and Citibank, N.A., as Agent Bank for the A-26 Syndicate.

10. Attached hereto as Exhibit H is a true and correct copy of a Notice of Assignment, dated February 2, 2009, directed to the Democratic Republic of Congo, the Central Bank of the Democratic Republic of Congo, Union Bank of California, as Servicing Bank, and JP Morgan Chase Europe Ltd., London, as Agent Bank for the A-19 Syndicate.

11. Attached hereto as Exhibit I is a true and correct copy of a chart that was created by Union Bank, N.A. in its role as Servicing Bank. Upon information and belief, the chart was created made at or near the time by, or from information transmitted by, a person with knowledge, and was kept in the course of a regularly conducted business activity, and it was the regular practice of Union Bank, N.A. to make the chart.

12. Attached hereto as Exhibit J is a true and correct copy of a chart that was created by Union Bank, N.A. in its role as Servicing Bank. Upon information and belief, the chart was created made at or near the time by, or from information transmitted by, a person with knowledge, and was kept in the course of a regularly conducted business activity, and it was the regular practice of Union Bank, N.A. to make the chart.

13. Attached hereto as Exhibit K is a true and correct copy of a spreadsheet that calculates the amount of interest owed to Plaintiffs based on Exhibits I and J.

14. Attached hereto as Exhibit L is a true and correct copy of relevant sections of the Central Bank's Annual Report, dated December 31, 2006. Upon information and belief, the Annual Report was created made at or near the time by, or from information transmitted by, a person with knowledge, and was kept in the course of a regularly conducted business activity, and it was the regular practice of the Central Bank to make the Annual Report.

15. Attached hereto as Exhibit M is a true and correct copy of a letter from the Democratic Republic of Congo and the Central Bank of Congo, dated February 25, 2003.

16. Attached hereto as Exhibit N are true and correct copies of two Affidavits of Service of Jefferson V. Holder, dated May 21, 2009.

17. Attached hereto as Exhibit O is a true and correct copy of a letter from CT Corporation to Dennis H. Hranitzky, dated May 20, 2009, referring to Federal Express tracking number 791996956403.

18. Attached hereto as Exhibit P is a true and correct copy of tracking information obtained from Federal Express's website relating to tracking number 791996956403.

19. Attached hereto as Exhibit Q is a true and correct copy of a letter from Dennis H. Hranitzky to the Honorable George B. Daniels, dated December 30, 2009.

20. Attached hereto as Exhibit R is a true and correct copy of a letter from Dennis H. Hranitzky to the Democratic Republic of Congo and the Central Bank of the Democratic Republic of Congo, dated July 27, 2009.

21. Attached hereto as Exhibit S are true and correct copies of two Certificates of Default issued by the Clerk of the Court in the above-captioned action on February 1, 2010.

22. I caused Plaintiffs' Summons and Complaint to be properly served on Defendants through service on CT Corporation, Defendants' irrevocably appointed agent for service of process, on May 20, 2009 pursuant to 28 U.S.C. sections 1608(a)(1) and (b)(1). I caused Plaintiffs' Amended Complaint to be properly served on Defendants through service on CT Corporation, Defendants' irrevocably appointed agent for service of process, on May 21, 2009 pursuant to 28 U.S.C. sections 1608(a)(1) and (b)(1).

23. I caused Plaintiffs' Summons, Amended Complaint, and Notice of Suit, together with translations of each into French, the official language of the DRC, to be properly served on Defendants by a form of mail requiring a signed receipt and addressed and dispatched by the Clerk of the Court on November 16, 2009 pursuant to 28 U.S.C. sections 1608(a)(3) and (b)(3)(B). Pursuant to 28 U.S.C. section 1608(c)(2), service was complete when the papers were received by Defendants on November 19, 2009.

24. Attached hereto as Exhibit T, pursuant to Local Rule 55.1, is a true and correct copy of the Amended Complaint that was filed in this action.

Dated: February 1, 2010
New York, New York

A handwritten signature in black ink, appearing to read 'Eric C. Kirsch', is written above a horizontal line.

Eric C. Kirsch